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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 A. DAVIES,

11 Plaintiff,

No. CIV S-03-0014 LKK JFM P

12 vs.

13 DR. K. LOW, et al.,

14 Defendants.

ORDER

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16 Plaintiff is a state prisoner proceeding pro se in this civil rights action for relief  
17 pursuant to 42 U.S.C. § 1983. On December 1, 2005, plaintiff filed an “ex parte” motion for  
18 temporary restraining order. On January 30, 2006, this court issued findings and  
19 recommendations recommending that plaintiff’s motion be denied.

20 On February 23, 2006, plaintiff filed objections to the findings and  
21 recommendations noting that his reply to the defendants’ opposition to plaintiff’s motion was  
22 filed late because he did not receive defendants’ opposition until January 18, 2006, and was  
23 under the misapprehension that he had until January 25, 2006 in which to file his reply as that  
24 would have been seven days after he received the defendants’ opposition.

25 The court docket reflects that plaintiff’s reply was filed after the findings and  
26 recommendations issued. Good cause appearing, the court will vacate the findings and

1 recommendations and the motion will stand resubmitted so that the court may consider plaintiff's  
2 reply.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The January 30, 2006 findings and recommendations are vacated; and  
5 2. Plaintiff's December 1, 2005 motion will stand submitted.

6 DATED: March 7, 2006.

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9 UNITED STATES MAGISTRATE JUDGE  
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